

SENATE BILL 3015
By Henry

AN ACT to amend Tennessee Code Annotated, Title 5; Title 8; Title 9; Title 18; Title 54 and Title 67, relative to official bonds required of certain public officials.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-19-102, is amended by deleting the section in its entirety and substituting instead the following:

(a) The official bonds of county officials required by law to execute such bonds shall be transmitted to the comptroller of the treasury or the county clerk for safekeeping, as the law so requires, immediately upon their execution, approval and recordation in the office of the county register of deeds. The bonds of all other county officials and employees shall be transmitted to the office of the county clerk for safekeeping immediately upon their execution, approval and recordation in the office of the county register of deeds.

(b) Where suit is necessary to enforce the obligation of any such bond or undertaking, the comptroller of the treasury or the county clerk shall make such bond available to the proper authorities. A copy of the official bond duly certified by the comptroller of the treasury or the county clerk is admissible as evidence in any suit on the bond to prove the execution of the bond and any condition thereof.

(c) The official bonds of state officials and state employees shall be lodged for safekeeping at an office designated by the governor.

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SECTION 2. Tennessee Code Annotated, Section 5-6-109, is amended by deleting the following language:

enter into bond with good and sufficient sureties

and substituting instead the following language:

enter into an official bond prepared in accordance with the provisions of Title 8, Chapter 19.

Tennessee Code Annotated, Section 5-6-109, is further amended by adding the following as a new sentence at the end of the section:

The bond shall be recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 3. Tennessee Code Annotated, Section 5-13-103(c), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 4. Tennessee Code Annotated, Section 5-14-103(c), is amended by deleting subdivision (2) in its entirety and substituting instead the following:

(2) The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 5. Tennessee Code Annotated, Section 5-21-109(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d) The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 6. Tennessee Code Annotated, Section 8-8-103, is amended by deleting the following language from the first sentence:

shall give bond, with good security

and substituting instead the following language:

shall enter into an official bond prepared in accordance with the provisions of Title 8, Chapter 19.

Tennessee Code Annotated, Section 8-8-103, is further amended by deleting the following language from the second sentence:

and filed among its records, and a certified copy sent to the comptroller of the treasury

and substituting instead the following language:

and recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 7. Tennessee Code Annotated, Section 8-9-103(a), is amended by deleting the first sentence and substituting instead the following:

The coroner shall, before entering upon duties of that office, enter into an official bond prepared in accordance with the provisions of Title 8, Chapter 19. The bond shall be approved by the county legislative body, entered upon the minutes, recorded in the office of the county register of deeds and transmitted to the office of the county clerk for safekeeping. The bond shall be in the amount of two thousand five hundred dollars (\$2,500) payable to the state, conditioned truly and faithfully to execute the duties of the office of coroner.

SECTION 8. Tennessee Code Annotated, Section 8-10-106(a), is amended by deleting the first sentence in its entirety and by substituting instead the following:

Before entering upon the duties of the office, every constable shall give bond.

The bond shall be approved by the county legislative body and prepared in accordance

with the provisions of Title 8, Chapter 19. The constable shall pay all costs of obtaining and recording the bond.

Tennessee Code Annotated, Section 8-10-106, is further amend by deleting the third and fourth sentences in their entirety and by substituting instead the following:

The bond shall be recorded in the office of the county register of deeds and transmitted to the office of the county clerk for safekeeping.

SECTION 9. Tennessee Code Annotated, Section 8-10-106(b) is amended by deleting the subsection in its entirety and substituting instead the following:

(b) Notwithstanding any provision of law to the contrary, the bond as required for a constable shall be a surety bond executed by a surety company authorized to do business in Tennessee as surety.

SECTION 10. Tennessee Code Annotated, Section 8-11-102, is amended by deleting the following language:

with a surety company or personal sureties, approved by the legislative body in open session.

Tennessee Code Annotated, Section 8-11-102, is further amended by adding the following language at the end of the section:

The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 11. Tennessee Code Annotated, Section 8-12-102, is amended by deleting from the first sentence the following language:

with two (2) or more sufficient sureties, to be approved by the county legislative body.

Tennessee Code Annotated is further amend by deleting the second sentence in its entirety and substituting instead the following:

The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the office of the county clerk for safekeeping.

SECTION 12. Tennessee Code Annotated, Section 8-13-102(a), is amended by deleting the following language:

in open session, executed by some surety company authorized to do business in Tennessee as surety, or with two (2) or more good sureties to be approved by the legislative body.

Tennessee Code Annotated, Section 8-13-102(a), is further amended by adding the following sentence:

The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds, and transmitted to the comptroller of the treasury for safekeeping.

SECTION 13. Tennessee Code Annotated, Section 9-3-301(c) is amended by adding the following language as a second sentence:

The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 14. Tennessee Code Annotated, Section 18-2-201(a), is amended by deleting the following language:

shall enter into bond, with sufficient surety
and substituting instead the following language:

shall enter into an official bond which shall be prepared in accordance with the provisions of Title 8, Chapter 19.

SECTION 15. Tennessee Code Annotated, Section 18-2-202 is amended by deleting the following language:

with good security

and substituting instead the following language:

in accordance with the provisions §18-2-205

SECTION 16. Tennessee Code Annotated, Section 18-2-205, is amended by deleting the section in its entirety and by substituting instead the following:

The bonds required in §§18-2-201 -- 18-2-204, after being acknowledged before, approved and certified by the court shall be entered upon the minutes, within thirty (30) days, and shall then be recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 17. Tennessee Code Annotated, Section 54-4-103, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Any person vested by law with the authority to administer county highway and bridge funds shall furnish an official bond in the amount of one hundred thousand dollars (\$100,000), or in a greater sum as the county legislative body may determine. The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds, and transmitted to the comptroller of the treasury for safekeeping.

SECTION 18. Tennessee Code Annotated, Section 54-9-119 is amended by adding the following sentence at the end of the section:

The bond shall be prepared in accordance with the provisions of Title 8, Chapter 19, approved by the county legislative body, recorded in the office of the county register of deeds, and transmitted to the comptroller of the treasury for safekeeping.

SECTION 19. Tennessee Code Annotated, Section 67-1-505(a)(1) is amended by deleting the language:

enter into a bond executed by some surety company authorized to do business in Tennessee as surety, or with two (2) or more good sureties to be approved by the county legislative body

and substituting instead the following language:

shall enter into an official bond prepared in accordance with the provisions of Title 8, Chapter 19.

Tennessee Code Annotated, Section 67-1-505(a)(1), is further amended by adding the following language as a second sentence:

The bond shall be approved by the county legislative body, recorded in the office of the county register of deeds and transmitted to the comptroller of the treasury for safekeeping.

SECTION 20. This act shall take effect July 1, 1998, the public welfare requiring it.